



# राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 3 अप्रैल, 1991/13 चैत्र, 1913

## RULES OF PROCEDURE TO BE FOLLOWED BY THE COMMISSION OF INQUIRY (KAINTHLA COMMISSION)

*Dharamshala-176215, the 27th March, 1991*

In exercise of the powers conferred under section 8 of the Commission of Enquiry Act, 1952 (hereinafter referred to as the Act), the Commission of Inquiry constituted *vide* Government of Himachal Pradesh Notification No. Home (A)A (9)-48-49/90, dated the 20th December, 1990 hereby frames the following regulations to regulate its procedure, namely :—

1. All proceedings before the Commission shall be conducted in English.

2. The Headquarters and Office of the Commission shall be in the office building of the Divisional Commissioner, Kangra Division at Dharamshala and the court of inquiry proceedings would be held at Mandi and Chamba for the respective inquiries and such other places as to be notified/intimated from time to time.

3. The Office of the Commission shall function from 10.00 A.M. to 1.00 P.M. and from 2.00 P.M. to 5.00 P.M. on all days other than the holidays, observed by the Himachal Pradesh State Government unless otherwise declared by the Commission.

4. The Commission will ordinarily sit at its Headquarters, but the court of inquiry proceedings shall be held at Mandi or Chamba respectively, or at any other place. The date, time and venue of the sitting of the Commission outside the Headquarters will be notified from time to time.

5. All hearings of the Commission shall be open to public except when the Commission decides otherwise. Provided that no visitor will be permitted to carry inside the office and court premises of the Commission where proceedings are to be held, any attache or a brief case or a bag or any container or package, the contents whereof are not visible from outside, or any weapon, instruments or other object or substance of any kind or any equipment which can create or lead to disturbance of any kind or otherwise cause interference in the oral conduct of the proceedings of the Commission.

6. (a) The Commission shall issue a Notification to be published in such a manner as it may deem fit inviting all persons or organisations acquainted with the subject matter of the enquiry to file before the Commission statements by affidavits relating to subject matters as may be specified in the Notification.

6. (b) The Commission shall issue notice to every person who in its opinion should be given an opportunity of being heard in the inquiry to furnish to the Commission a statement relating to the matters as may be specified in the notice. Every such statement shall be in the form of an affidavit.

7. All affidavits under clauses (a) and (b) of Rule 6 shall be in English or Hindi and shall be drawn up in the first person and shall be divided into paragraphs to be numbered consecutively, each material statement of fact being made the subject matter of a separate paragraph. The person making the statement by swearing the affidavit shall state his full description, with age, parentage, occupation, if any, and his true place of abode.

7. (a) These affidavits will be treated as Examination-in-Chief evidence by the Commission and if necessary the deponents submitting affidavits will be called by the Commission for further clarificatory statements and for cross-examination by the affected person or party.

8. The persons and parties concerned and arrayed in the inquiry proceedings may be allowed to be represented and assisted by an advocate.

9. Every affidavit shall be verified in the following manner :—

“I .....above named, do hereby solemnly affirm or take oath and say that the statements made by me in paragraphs No..... of the affidavit are true to my personal knowledge and those in paragraph..... No.....are derived from information received and believed to be true by me. Verified.....(dated) .....at .....(place)”.

10. All affidavits submitted to the Commission must be attested by a Judicial Magistrate or by an Executive Magistrate or an Oath Commissioner in the following manner :—

“Sworn/affirmed before me by the deponent above named, who is indentified to my satisfaction by or who is personally known to me. The affidavit has been read out and explained in full to the deponent who has signed it/thumb marked it after admitting it to be correct, this.....day of.....”.

11. Every person filing an affidavit before the Commission shall file, along with it, a list of documents, if any, on which he proposes to rely together with the original true copies of the documents as are in his possession or power:

Provided that in the case of any documents not in his possession or power, the affidavit must contain the name and address of the person from whom such documents may be obtained. Where, however, the documents referred to in the affidavit is an official record, it shall be sufficient if the name of Department or Office having the custody or control of such documents and particulars of the records are specified in order to enable the Commission to send for the same.

12. Statements, by affidavits, containing complaints or allegations which, in the opinion of the Commission do not relate to the enquiry, under the Notification appointing the Commission shall not and those as are frivolous and trivial in nature, may not, at the discretion of the Commission, be entertained or enquired into. In such a case, the complainant or deponent, as the case may be will be enforced accordingly:

Provided it will be sufficient compliance of this provision, if in respect of complaint received through the State Government, only the State Government is informed. A list of such cases shall also be open to inspection.

13. The Commission, may, at any stage, itself investigate any relevant matter and for any purpose examine any person or persons including any person who has already given statement before the investigating staff, employed by the Commission including person who has submitted affidavit to the Commission or its investing authority. Such examination shall not be open to public.

14. (a) The Commission shall examine all the affidavits filed before it under Rule 6 and if, after such examination, the Commission considers it necessary to record evidence, it shall first record evidence, if any, produced by the Himachal Pradesh Government and may thereafter record evidence in such an order as it may deem fit:

- (i) The evidence of such person who has submitted a statement under clause (b) of Rule 6 and whose evidence the Commission having regard to the statement, consider relevant for the purpose of enquiry; and
- (ii) The evidence of any other person whose evidence in the opinion of the Commission is relevant to the enquiry.

14. (b) After all the evidence is recorded under rule 13 (a) the Commission may "see moto" or on the application of the Government of Himachal Pradesh or any other party, may recall any witness already examined or examine any new witness if the Commission is satisfied that it is necessary for the proper determination of any relevant fact to do so.

15. The Commission may at any stage of the proceedings, put any question to any party or witness before it, as it considers relevant and proper, in order to elicit any information relevant to the enquiry.

16. No person shall have the right to insist on the oral examination of any deponent on affidavit. In case, however, the Commission intends to take such an affidavit into consideration, the Commission shall allow all the parties and persons referred to in Section 8B and 8C of the Act, the right of cross examination. The Commission in its discretion may allow re-examination of such deponents.

17. The Commission shall call from the Government of Himachal Pradesh any complaint or representation which it might have received in relation to the matters specified relate to paragraphs-2, 3, 4 and 5 of the Notification No. Home (A) A (9) 48-49/90, dated the

20th December, 1990, from the Chief Secretary to the Government of Himachal Pradesh.

18. The Commission may authorise the Secretary or any other official of the Commission to issue summons or any other process envisaged under section 4 of the Act.

19. With the notice sent to a person who may be affected in terms of Section 8B and 8C of the Act, copies of the relevant documents or statements on which reliance is placed will also ordinarily be sent. In case it is either not possible to supply such copies with great expense or inconvenience, such documents will be open to inspection in the office of the Commission on any working day during the office hours. A list of such documents, which the Commission is not sending to the person concerned will however be sent to such person.

20. The Commission may, at its discretion summon any person to make a statement or give evidence before it. It shall, however, not be bound to summon any person merely because it is requested by any person to do so and the person has made a request in that behalf.

21. (a) Registered documents in original or their certified copies issued by the Registration Department will, as a rule, be admitted without requiring formal proof of their examination.

(b) Official records of the Government Departments or Government controlled institutions, statutory bodies, State Undertakings, Bank and Co-operative Societies, including the office noting, orders etc. may, subject to any valid claims of privilege be admitted without any formal proof unless the Commission in any particular case require it to be proved in any of the ways laid down in the Evidence Act.

22. The Commission will not be bound by the rules of the Evidence Act, but will observe the fundamental principles of natural justice.

23. The Commission may at its discretion, take up all or any of the allegations or complaints or part of the same at a time for its consideration and proceedings.

24. The Commission shall, if necessary make local investigations either personally or through any person duly authorised by it, into any matter falling within its terms of reference. The Commission or its delegate authorised by it, may go into and examine and/or inspect matter falling within its terms of reference. The Commission or its authorised delegate shall make full and complete note of the inspection which will be held after notice to parties or their advocates appearing before the Commission. Such notes shall form part of the record of the Commission after hearing the objections of the said parties, if any.

25. The Commission may either *suo-moto* or on the application made by any person or partly delete or expunge any matter from any petition, affidavit, statement or other documents or return any such petition, affidavit, statement document presented to the Commission, which in the opinion of the Commission is irrelevant or needlessly offensive, scurrilous or a scandalous.

26. Travelling and other expenses, as the Commission may deem reasonable, shall be paid to a person who is summoned to assist the Commission, if he so demands, local residents of the place where the proceedings of the Commission hearings are held attending the court of inquiry shall not be entitled to any expenses.

27. The Commission reserves the right to alter, modify, delete, or add to any of these regulations, at any time as and when it considers necessary to do so.

Dated 27th March, 1991.

T. N. SHARMA,  
Secretary,  
Commission of Enquiry (Kainthla Commission),  
Dharamshala.



कार्यालय जांच आयोग (कैथला आयोग)  
धर्मशाला

सार्वजनिक सूचना

धर्मशाला, 30 मार्च, 1991

संख्या सी० ओ०आई० (के-सी) पव-एन/91.—हिमाचल प्रदेश सरकार ने अधिसूचना संख्या गृह(ए)ए(9) 48-49/90 दिनांक 20 दिसम्बर, 1990 द्वारा श्री हरि दत्त कैथला सेवा निवृत्ति जिला तथा सत्र न्यायाधीश, हिमाचल प्रदेश को जांच आयोग अधिनियम, 1952 की धारा (3) की उप-धारा (1) के अधीन चम्बा नगर में 28 सितम्बर, 1990 को आन्दोलनकर्ताओं पर पुलिस द्वारा की गई कथित ज्यादतियों, बिना कारण बल प्रयोग व गोली चला कर तथा अन्य सम्बन्धित मामलों, जो केन्द्र सरकार द्वारा मण्डल आयोग को अगस्त मास 1990 में लागू करने के कारण हिंसात्मक घटनाएँ हुई की जांच करने हेतु नियुक्त किया है।

जांच आयोग को निम्नलिखित प्रदर्शित विषयों बारे जांच करनी है जिस की रिपोर्ट हिमाचल प्रदेश सरकार को अन्दर छे: मास देनी है :—

- (1) 28 सितम्बर, 1990 को चम्बा नगरपालिका की सीमा में आन्दोलन के कारण क्या परिस्थितियाँ विद्यमान थीं ?
- (2) आन्दोलन का स्वरूप क्या था और ऐसी कौन सी परिस्थितियाँ थी जिनके कारण पुलिस बल प्रयोग करना पड़ा और गोली चलानी पड़ी तथा कितने लोग हताहत हुए थे क्या पुलिस ने ज्यादतियों की थी यदि हाँ, तो इसके लिए कौन उत्तरदायी है ?
- (3) सरकारी और गैर-सरकारी सम्पत्ति का कितना नुकसान हुआ ?
- (4) कोई अन्य मामला, जो आयोग की राय में उपयुक्त घटना से तथ्यों को सुनिश्चित करने में सुसंगत हो।

जांच आयोग उपरोक्त उन शिकायतों और आरोपों जो किसी व्यक्ति या संगठनों द्वारा यहां आगे दिये गये प्रारूप अनुसार शपथ-पत्रों के रूप में प्रस्तुत किये जाये और राज्य सरकार द्वारा प्राप्त ऐसी शिकायतें अथवा अभिवेदन जिन्हें आयोग के ध्यान में लाया जाए, सम्बन्ध में जांच करेगा।

अतः यह सार्वजनिक सूचना उक्त आयोग द्वारा जारी की जा रही है और ऐसे सभी व्यक्ति तथा संगठन जिन्हें इस विषय में किसी तथ्य या आरोप की जानकारी हो को आमंत्रित किया जाता है कि इस विषय के सम्बन्ध में तथ्यों, आरोपों अथवा किसी जानकारी का उल्लेख निम्न विधि से प्रस्तुत करें :—

- (क) कथन-पत्र शिकायत, आरोप अथवा अन्य जानकारी बारे शपथ-पत्र के रूप में हिन्दी या अंग्रेजी भाषा में होगा।
- (ख) सभी कथन-पत्र प्रथम पुरुष के रूप में तैयार किये जायेंगे तथा उन्हें क्रमानुसार पैरा में विभक्त किया जाएगा, प्रत्येक तथ्य सम्बन्धी तात्विक कथन को विलय वस्तु का अलग पैरा बनाया जाएगा तथा कथन देने वाला व्यक्ति अपना पूरा विवरण व्यवसाय, यदि हो, तथा वास्तविक निवास का ब्यौरा देगा।
- (ग) जहां ऐसा कथन किसी संगठन द्वारा दिया गया हो तो कथन संगठन के सचिव अथवा इस सम्बन्ध में संगठन की प्रबन्धक समिति द्वारा प्राधिकृत किसी अन्य व्यक्ति द्वारा उचित रूप में प्रस्ताव या अधिकार-पत्र से दिया जाएगा।
- (घ) जहां कथन अभिसाक्षी की व्यक्तिगत जानकारी पर आधारित हो तो वह इस प्रकार का उल्लेख करेगा तथा जब कथन अभिसाक्षी द्वारा किसी अन्य व्यक्ति से की गई सूचना पर आधारित हो तो सूचना

देने वाले व्यक्ति का नाम तथा पता अथवा यदि सूचना देने वाला व्यक्ति सरकारी कर्मचारी हो जिसका परिचय अभिव्यक्त नहीं किया जाना हो तो फाईल का ब्यौरा जिसमें उपलब्ध संगत सूचना हो का विवरण दिया जाएगा तथा अभिसाक्षी को यह ध्यान देना होगा कि उनके विश्वास के अनुसार सही है।

(ड) ऐसे अभिलेख पत्रों की सूची, यदि कोई हो जिन पर अभिसाक्षी निर्भर करता हो उन दस्तावेजों को मूल अथवा अनुरूप प्रतियाँ सहित आयोग को आमन्त्रित करेगा जोकि उनके अधिकार अथवा कब्जे में है तथा किसी दस्तावेज के अभिसाक्षी के कब्जे अथवा अधिकार में न होने की स्थिति में उस व्यक्ति का नाम तथा पता कथन सम्मिलित किया जाएगा जिनसे ऐसे दस्तावेज प्राप्त किये जा सकते हैं।

(च) शपथ-पत्र निम्नलिखित ढंग से सत्यापित किया जाएगा:—

सत्यापित किया जाता है कि मेरी व्यक्तिगत जानकारी के अनुसार उपरोक्त शपथ-पत्र में पैरा संख्या.....में दिये गये कथन सही हैं तथा पैरा संख्या.....में दिये गये कथन प्राप्त सूचना पर आधारित हैं तथा मुझे विश्वास है कि ये सत्य हैं।

(छ) आयोग को प्रस्तुत किये जाने वाले सभी शपथ-पत्र न्यायिक मैजिस्ट्रेट, कार्यकारिणी मैजिस्ट्रेट अथवा शपथ आयुक्त द्वारा निम्न ढंग से सत्यापित होने चाहिए अभिसाक्षी द्वारा मेरे सम्मुख शपथ ग्रहण की गई जिसकी पहचान मेरी सन्तुष्टि के अनुसार.....द्वारा की गई अथवा मैं उसे व्यक्तिगत रूप से जानता हूँ। शपथ-पत्र अभिसाक्षी के सम्मुख पढ़ा गया तथा उसे पूर्णतः स्पष्ट किया गया उसने उसे मही मानकर इस पर दिन 19....को हस्ताक्षर किये हैं।

कथन-पत्र सचिव जांच आयोग (कैथला आयोग) को कार्यालय आयोग स्थित अन्दर भवन कार्यालय मण्डल आयुक्त कांगड़ा, धर्मशाला (पिन कोड-176215) को पावती सहित पंजिकृत डाक द्वारा अथवा व्यक्तिगत रूप से स्वयं या आयोग द्वारा प्राधिकृत अधिकारी अथवा अन्य प्राधिकृत कर्मचारी को किसी भी कार्य दिवस प्रातः 11 बजे से एक बजे बाद दोपहर तक अथवा सायं 2 बजे से 4 बजे तक प्रस्तुत किए जायेंगे जिस की प्राप्ति की रसीद ली जायेगी।

शपथ-पत्र कथन के आयोग के पास 30 अप्रैल, 1991 तक पहुँच जाने चाहिए।

जांच आयोग अधिनियम, 1952 की धारा 6 जो अभिसाक्षी को आयोग के सम्मुख सिविल अथवा दण्डित कार्यवाहियों के लिए संरक्षण प्रदान करती है, आयोग को सूचना देने में इच्छुक व्यक्तियों की सूचना के लिए उद्धृत की जाती है:—

6—किसी भी व्यक्ति के विरुद्ध आयोग के सम्मुख साक्ष्य प्रस्तुत करते समय दिये गये कथन के अभियोजन अथवा ऐसे कथन के द्वारा झूठे साक्ष्य प्रस्तुत करने के अतिरिक्त किसी भी प्रकार की सिविल अथवा दण्डित कार्यवाही नहीं की जा सकेगी।

वर्णित कि कथन:

(क) आयोग द्वारा अपेक्षित प्रश्न के उत्तर देने के लिए दिया गया हो, अथवा

(ख) जांच की विषय वस्तु से सम्बन्ध हो।

धर्मशाला :

दिनांक 30 मार्च, 1991.

(टी0 एन0 शर्मा)

सचिव,

जांच आयोग (कैथला आयोग),

धर्मशाला।

# COMMISSION OF INQUIRY (KAINTHLA COMMISSION)

## PUBLIC NOTICE

*Dharamshala-176215, the 30th March, 1991*

**No.C.O.1 (K.C) Pub. N/91.**—The Government of Himachal Pradesh *vide* Notification No. Home (A)A(9)-48-49/90, dated the 20th December, 1990, has appointed Sh. Hari Datt Kainthla, Retired District & Sessions Judge, Himachal Pradesh, as Commission of Inquiry under sub-section (1) of Section (3) of Commission of Inquiries Act, 1952 for inquiring into the alleged excesses of the police committed on the agitators without any provocation by using force and opening fire on 28th September, 1990 in Chamba Town and other related matters concerning the violent agitation as a sequel to the implementation of Mandal Commission Report by the Government of India in the month of August, 1990.

The Commission of Inquiry is to probe and inquire into the following detailed matters and submit the report to the Himachal Pradesh Government within a period of six months:—

- (1) What were the circumstances prevailing within the Municipal limits of Chamba Town on 28th September, 1990 on account of agitation?
- (2) What was the nature of the agitation and under what circumstances the police had to resort to use of force and firing and what was the number of casualties? Whether the police force had committed any excesses, if so who are responsible for that?
- (3) What was the extent or damage caused to public and private property?
- (4) Any other matter which in the opinion of the Commission is relevant for the ascertainment of facts relating to the aforesaid incidents.

The Commission of Inquiry is to probe into the aforesaid complaints and allegations which may be made by any individual or association before the Commission by way of affidavits as here-in-after prescribed by the Commission and the complaints and representations received by the State Government and brought to the notice of the Commission by the Government.

The Commission, therefore, in issuing this public notice inviting all persons and organisations having knowledge of any fact or allegation covered by the subject matter of the Inquiry being made by the Commission, to make a statement of facts, giving therein each item of fact, allegations or information concerning the Inquiry subject matter, in the manner given here-in-below :—

- (a) The statement or complaint, allegation or any information has to be made in the form of an affidavit in Hindi or English.
- (b) All statements shall be drawn up in the first person and divided into paragraphs to be numbered consecutively each material statement of fact being made the subject matter of a separate paragraph, and the person making the statement shall state his full description with age, parentage etc. and occupation if any and true place of abode.
- (c) Where any such statement is made by any organisation, statement should be made by the Secretary of the Organisation or by such other person as may be duly authorised by the governing body of the organisation in this behalf in appropriate form of authorisation as by a resolution or authority letter.
- (d) Where the statements made are based on the personal knowledge of the deponent, he should be state and where the statement is based on any information derived by the deponent from any other person, the name and address of the informant,

or if the informant is a Government official whose identity is not intended to be disclosed, the particulars of the Government file containing the relevant information to the extent available, should be stated and the deponent should state that he believes the information to be true.

- (d) A list of documents, if any on which the deponent proposes to rely, should be forwarded to the Commission along with such of the original or true copies of the document and in the case of any document not in the possession or power of the deponent, the statement should include the name and address of the person from whom such documents may be obtained.

- (f) The affidavit shall be verified in the following manner :—

“Verified that the statements made in paragraphs No.....or the above affidavit are true to my personal knowledge and those in paragraphs Nos..... are derived from information received and believed to be true by me.”

- (g) All affidavits submitted to the Commission must be attested by a competent Magistrate or a competent authority in the following manner :—

“Sworn before me by the deponent who is identified to my satisfaction by..... or is personally known to me. The affidavit has been read out and explained in full to the deponent who has signed it after admitting it to be correct, this.....day of.....1991.

The statement be sent to the Secretary to the Commission of Inquiry (Kainthla Commission) in the Commission office located in the office Building of the Divisional Commissioner, Kangra Division at Dharamshala (Pin Code 176215) by registered post with acknowledgement due or personally given to him or some other officer or official authorised by the Commission in this behalf on any working day between 11 A.M. to 1 P.M. or from 2 P.M. to 4 P.M. and a receipt be obtained.

*The affidavits of statements should reach the Commission by 30th April, 1991.*

Section 6 of the Commission of Inquiry Act, 1952 which protects deponents before the Commission from civil or criminal proceedings is reproduced below for the information of the person intending to furnish information to the Commission :—

“Sec. 6. No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in any civil or criminal proceedings except a prosecution on giving false evidence by such statements :

Provided that, the statement :—

- (a) is made in reply to a question which he is required by the Commission to answer; or  
(b) is relevant to the subject matter of the inquiry.”

T. N. SHARMA, H.A.S.

Dharamshala-176215, the 30th March, 1991.

Secretary to the Commission of Inquiry  
(Kainthla Commission) Dharamshala.

कार्यालय जांच आयोग (कैन्यला आयोग)

सार्वजनिक सूचना

धर्मशाला, 30 मार्च, 1991

संख्या सी0आ0आई0(के-सी) एन-एन/91.—हिमाचल प्रदेश सरकार ने अधिसूचना संख्या गृह (ए)ए(9)48-49/90, दिनांक 20 दिसम्बर, 1990 द्वारा श्री हरि दत्त कैन्यला सेवा निवृत्त जिला तथा सत्र न्यायाधीश, हिमाचल प्रदेश को जांच आयोग अधिनियम, 1952 की धारा (3) की उप-धारा (1) के अधीन मण्डी नगर में 27 सितम्बर, 1990 को आन्दोलनकर्तारों पर पुलिस द्वारा की गई कथित ज्यादतियों, बिना कारण बल प्रयोग व गोली चला कर तथा अन्य सम्बन्धित मामलों, जो केन्द्र सरकार द्वारा मण्डल आयोग को अगस्त मास, 1990 में लागू करने के कारण हिंसात्मक घटनाएँ हुई की जांच करने हेतु नियुक्त किया है।

जांच आयोग को निम्नलिखित प्रदर्शित विषयों बारे जांच करनी है जिस की रिपोर्ट हिमाचल प्रदेश सरकार को अन्दर छः मास देनी है:—

- (1) 27 सितम्बर, 1990 को मण्डी नगरपालिका की सीमा में आन्दोलन के कारण क्या परिस्थितियाँ विद्यमान थीं?
- (2) आन्दोलन का स्वरूप क्या था और ऐसी कौन सी परिस्थितियाँ थीं जिनके कारण पुलिस बल प्रयोग करना पड़ा और गोली चलानी पड़ी तथा कितने लोग हताहत हुए थे क्या पुलिस ने ज्यादतियाँ की थीं यदि हाँ, तो इसके लिए कौन उत्तरदायी हैं?
- (3) सरकारी और गैर-सरकारी सम्पत्ति का कितना नुकसान हुआ?
- (4) कोई अन्य मामला, जो आयोग की राय में उपयुक्त घटना से तथ्यों को सुनिश्चित करने में सुसंगत हो?

जांच आयोग उपरोक्त उन शिकायतों और आरोपों जो किसी व्यक्ति या संगठनों द्वारा यहाँ आगे दिये गये प्रारूप अनुसार शपथ-पत्रों के रूप में प्रस्तुत किये जाये और राज्य सरकार द्वारा प्राप्त ऐसी शिकायतें अथवा अभिवेदन जिन्हें आयोग के ध्यान में लाया जाए, सम्बन्ध में जांच करेगा।

अतः यह सार्वजनिक सूचना उक्त आयोग द्वारा जारी की जा रही है और ऐसे सभी व्यक्ति तथा संगठन जिन्हें इस विषय में किसी तथ्य या आरोप की जानकारी हो को आमन्त्रित किया जाता है कि इस विषय के सम्बन्ध में तथ्यों, आरोपों अथवा किसी जानकारी का उल्लेख निम्न विधि से प्रस्तुत करें:—

- (क) कथन-पत्र शिकायत, आरोप अथवा अन्य जानकारी बारे शपथ-पत्र के पत्र के रूप में हिन्दी या अंग्रेजी भाषा में होगा।
- (ख) सभी कथन-पत्र प्रथम पुरुष के रूप में तैयार किये जाएंगे तथा उन्हें क्रमानुसार पैरा में विभक्त किया जाएगा, प्रत्येक तथ्य सम्बन्धी तात्त्विक कथन को विलय वस्तु का अलग पैरा बनाया जाएगा तथा घयन देने वाला व्यक्ति अपना पूरा विवरण, व्यवसाय, यदि हो, तथा वास्तविक निवास का ब्यौरा देगा।
- (ग) जहाँ ऐसा कथन किसी संगठन द्वारा दिया गया हो तो कथन संगठन के सचिव अथवा इस सम्बन्ध में संगठन की प्रबन्धक समिति द्वारा प्राधिकृत किसी अन्य व्यक्ति द्वारा उचित रूप में प्रस्ताव या अधिकार पत्र से दिया जायेगा।
- (घ) जहाँ कथन अभिसाक्षी की व्यक्तिगत जानकारी पर आधारित हो तो वह इस प्रकार का उल्लेख करेगा

तथा जब कथन अभिसाक्षी द्वारा किसी अन्य व्यक्ति से की गई सूचना पर आधारित हो तो सूचना देने वाले व्यक्ति का नाम तथा पता अथवा यदि सूचना देने वाला व्यक्ति सरकारी कर्मचारी हो जिसका परिचय अभिव्यक्त नहीं किया जाना हो तो फाईल का ब्यौरा जिसमें उपलब्ध संगत सूचना हो का विवरण दिया जाएगा तथा अभिसाक्षी को यह ध्यान देना होगा कि उनके विश्वास के अनुसार सही है।

(ङ) ऐसे अभिलेखों, पत्रों की सूची, यदि कोई हो जिन पर अभिसाक्षी निर्भर करता हो उन दस्तावेजों की मूल अथवा असली प्रतियाँ सहित आयोग को आमन्त्रित करेगा जोकि उनके अधिकार अथवा कब्जे में है तथा किसी दस्तावेज के अभिसाक्षी के कब्जे अथवा आधिकार में न होने की स्थिति में उस व्यक्ति का नाम तथा पता कथन सम्मिलित किया जाएगा जिनमें ऐसे दस्तावेज प्राप्त किये जा सकते हैं।

(च) शपथ-पत्र निम्नलिखित ढंग से सत्यापित किया जाएगा :—

सत्यापित किया जाता है कि मेरी व्यक्तिगत जानकारी के अनुसार उपरोक्त शपथ-पत्र में पैरा संख्या ..... में दिये गये कथन सही हैं तथा पैरा संख्या ..... में दिये गये कथन प्राप्त सूचना पर आधारित हैं तथा मुझे विश्वास है कि ये सत्य हैं।

(छ) आयोग को प्रस्तुत किये जाने वाले सभी शपथ-पत्र न्यायिक मैजिस्ट्रेट, कार्यकारिणी मैजिस्ट्रेट अथवा शपथ आयुक्त द्वारा निम्न ढंग से सत्यापित होने चाहिए अभिसाक्षी द्वारा मेरे सम्मुख शपथ ग्रहण की गई जिसकी पहचान मेरी सन्तुष्टि के अनुसार ..... द्वारा की गई अथवा मैं उसे व्यक्तिगत रूप से जानता हूँ। शपथ-पत्र अभिसाक्षी के सम्मुख पढ़ा गया तथा उसे पूर्णतः स्पष्ट किया गया उसने उसे सही मान कर इस पर दिन 19 को हस्ताक्षर किये हैं।

कथन-पत्र सचिव जांच आयोग (कैथला आयोग) को कार्यालय आयोग स्थित अन्दर भवन कार्यालय मण्डल आयुक्त कांगड़ा, धर्मशाला (पिन कोड 176215) को पावती सहित पंजिकृत डाक द्वारा अथवा व्यक्तिगत रूप से स्वयं या आयोग द्वारा प्राधिकृत अधिकारी अथवा अन्य प्राधिकृत कर्मचारी को किसी भी कार्य दिवस प्रातः 11 बजे से एक बजे बाद दोपहर तक अथवा सायं 2 बजे से 4 बजे तक प्रस्तुत किये जायेंगे जिसकी प्राप्ति की रसीद ली जावेगी।

शपथ-पत्र कथन के आयोग के पास 30 अप्रैल, 1991 तक पहुंच जाने चाहिए।

जांच आयोग अधिनियम, 1952 की धारा 6 जो अभिसाक्षी को आयोग के सम्मुख सिविल अथवा दण्डित कार्यवाहियों के लिए संरक्षण प्रदान करती है, आयोग को सूचना देने में इच्छुक व्यक्तियों की सूचना के लिए नीचे उद्धृत की जाती है :—

6--किसी भी व्यक्ति के विरुद्ध आयोग के सम्मुख साक्ष्य प्रस्तुत करते समय दिये गये कथन के अभियोजन अथवा ऐसे कथन के द्वारा झूठे साक्ष्य प्रस्तुत करने के अतिरिक्त किसी भी प्रकार की सिविल अथवा दण्डित कार्यवाही नहीं की जा सकेगी।

वर्ततः कि कथन :

- (क) आयोग द्वारा अपेक्षित प्रश्न के उत्तर देने के लिए दिया गया हो, अथवा  
(ख) जांच की विषय वस्तु से सम्बन्ध हो।

धर्मशाला :  
दिनांक 30 मार्च, 1991.

टी० एन० शर्मा,  
सचिव,  
जांच आयोग (कैथला आयोग),  
धर्मशाला।



COMMISSION OF INQUIRY (KAINTHLA COMMISSION),

PUBLIC NOTICE

*Dharamshala, the 30th March, 1991*

**No. C.O.I (K.C) Pub. N/91.**—The Government of Himachal Pradesh *vide* Notification No. Home (A) A (9)-48-49/90, dated the 20th December, 1990, has appointed Shri Hari Datt Kainthla, Retired District & Sessions Judge, Himachal Pradesh, as Commission of Inquiry under sub section (i) or Section 3 of Commission of Inquiries Act, 1952 for inquiring into the *alleged excesses of the police committed on the agitators without any provocation by using force and-opening fire on 27th September, 1990 in Mandi Town and other related matters concerning the violent agitation as a sequel to the implementation of Mandal Commission Report by the Government of India in the month of August, 1990..*

The Commission of Inquiry is to probe and inquire into the following detailed matters and submit the report to the Himachal Pradesh Government within a period of six months :—

1. What were the circumstances prevailing within the Municipal limits of Mandi on 27th September, 1990 on account of agitation?
2. What was the nature of the agitation and under what circumstances the police had to resort to use of force and firing and what was the number of casualties? Whether the police force had committed any excesses, if so, who are responsible for that?
3. What was the extent of damage caused to public and private property?
4. Any other matter which in the opinion of the Commission is relevant for the ascertainment of facts relating to the aforesaid incidents.

The Commission of Inquiry is to probe into the aforesaid complaints and allegations which may be made by any individual or association before the Commission by way of affidavits as here-in-after prescribed by the Commission and the complaints and representations received by the State Government and brought to the notice of the Commission by the Government.

The Commission, therefore, is issuing this public notice inviting all persons and organisations having knowledge of any fact or allegation covered by the subject matter of the Inquiry being made by the Commission, to make a statement of facts, giving therein each item of fact, allegation or information concerning the Inquiry subject matter, in the manner given here-in-below :—

- (a) The statement of complaint, allegation or any information, has to be made in the form of an affidavit in Hindi or English.
- (b) All statements shall be drawn up in the first person and divided into paragraphs to be numbered consecutively each material statement of fact being made the subject matter of a separate paragraph, and the person making the statement shall state his full description with age, parentage etc. and occupation, if any, and true place of abode.
- (c) Where any such statement is made by any organisation, statement should be made by the Secretary of the Organisation or by such other person as may be duly authorised by the governing body of the organisation in this behalf in appropriate form of authorisation as by a resolution or authority letter.
- (d) Where the statement made are based on the personal knowledge of the deponent, he should so state and where the statement is based on any information derived by the deponent from any other person, the name and address of the informant,

or if the informant is a Government official whose identity is not intended to be disclosed, the particulars of the Government file containing the relevant information to the extent available, should be stated and the deponent should state that he believes the information to be true.

- (e) A list of documents, if any on which the deponent proposes to rely, should be forwarded to the Commission along with such of the original or true copies of the documents and in the case of any document not in the possession or power of the deponent, the statement should include the name and address of the person from whom such documents may be obtained.
- (f) The affidavit shall be verified in the following manner:—  
 “Verified that the statements made in paragraphs No..... of the above affidavit are true to my personal knowledge and those in paragraphs Nos..... are derived from information received and believed to be true by me”.
- (g) All affidavits submitted to the Commission must be attested by a competent Magistrate or a competent authority in the following manner :—  
 “Sworn before me by the deponent who is identified to my satisfaction by..... or is personally known to me. The affidavit has been read out and explained in full to the deponent who has signed it after admitting it to be correct, this ..... day of..... 1991.

The statement be sent to the Secretary to the Commission of Inquiry (Kainthla Commission) in the Commission Office located in the Office Building of the Divisional Commissioner, Kangra Division at Dharamshala (Pin Code 176215) by registered post with acknowledgement due or personally given to him or some other officer or official authorised by the Commission in this behalf on any working day between 11 A.M. to 1 P.M. or from 1 P.M. to 4 P.M. and a receipt be obtained.

*The affidavits of statements should reach the Commission by 30th April, 1991.*

Section 6 of the Commission of Inquiry Act, 1952 which protects deponents before the Commission from civil or criminal proceedings is reproduced below for the information of the person intending to furnish information to the Commission:

“Sec. 6. No statement made by a person in the course of giving evidence before the Commission shall subject him to or be used against him in any civil or criminal proceedings except a prosecution on giving false evidence by such statements:

Provided that, the statement :—

- (a) is made in reply to a question which he is required by the Commission to answer, or
- (b) is relevant to the subject matter of the inquiry”.

*Dharamshala-176215, the 30th March, 1991.*

T. N. SHARMA, I.A.S.,  
 Secretary to the Commission of Inquiry  
 (Kainthla Commission), Dharamshala.